

TEXT_CAH1_A47NorthTud_03112021

00:10

Good morning, everybody. Can I just confirm with somebody that you can see? clearly hear me? Somebody? Yes, sir. Thank you very much. That's always helpful. Thank you very much. And can I just confirm, Mr. Hanson that they recording the live streaming of this event has now commenced,

00:29

I can confirm that the live stream is working, a recording is started. And I'm just turning on the live caption. So we should have that No, thank you.

00:38

That's great. Thank you very much for that. And time is now 10 o'clock. It's time for this hearing. To begin, I'd like to welcome you all to this compulsory acquisition hearing. For the application made by highways England, whom are referred to as the applicant for the A 47. North took them to Eastern project. My name is Agent Hunter, and I'm a chartered town planner. I'm a planning inspector appointed by the planning Inspectorate. And I've been appointed by the Secretary of State to be the examining authority for this application. There are three colleagues with me today from the planning Inspectorate. And this morning, you have already spoken to Mr. Johansen, who's the case manager for today's hearing. I would also like to introduce you to Mr. Steven Parker and Mr. Just Saffer, who are also from the case team. If you have any questions regarding the application process in general, could I ask in the first instance that you direct questions to the case team who will be happy to help? Next, just a few housekeeping matters that I'd like to run through. So people who have been at the previous hearings, if you could just bear with me, I just need to do this just to make sure that maybe people who have not attended previous events, just so they're clear of how I intend to run things today. Please Can on Audible notifications for electronic devices be switched off? Can I also to reduce background noise and disturbance? Can I also ask that when speaking, so unless you're speaking, please have your microphone and your camera turned off. This is a virtual hearing, I structured today's session in such a way that any questions or points that you may wish to raise can be done so at the relevant point in the proceedings. When we get to those points. If you want to speak please use the raise hand function. And then please wait to be invited to speak or speak at the appropriate time. Please do speak loudly and clearly. For the purpose of identification and ease of reference, Can I also ask that every time you do speak, please give your name and if you're representing an individual or an organisation, please explain instead who that is. Furthermore, if you use an abbreviation or an acronym, please can you give the full title The first time you refer to it as the maybe people here today or possibly people listening on the audio who may not be familiar with the application or the documents? Can I just remind you that the chat function will not be working so please do not use this to post questions or to make any comments. If you don't manage to ask your question or raise your points at the suitable time, there will be an opportunity at the end of today's hearing under the any other business item where you can sort of bring those up. There'll be digital recording made of the hearing. This we made available on a project webpage the national infrastructure website as soon as possible after the hearing has closed. If you take part in today's hearings important that you understand that your comments will be recorded and the digital recording were published and retained, usually for a period of five years from the Secretary

of State's decision. asserts the planning inspectorate is subject to the general data protection regulations, it is very unlikely that you'll be asked about sensitive personal information such as email addresses and economic, financial, cultural or health related matters into the public domain. Indeed, how it actually actively encourage you not to do that. However, if for any reason you feel it, it is necessary to refer to sensitive personal information, or recommend that you please speak to the case team. In the first instance, we can explore with you whether the information could be provided in a written format, which could then be appropriately redacted before being published. Please bear in mind that the only official record of the proceedings is the digital recording that will be placed on the website, tweets, blogs, and similar similar communications arising out of this meeting will not be accepted as evidence in the examination of this application. Just before I move on to a few other bits and pieces, can I just check whether anybody has any particular questions with regards to that sort of brief introduction?

04:34

Okay, that's great. I'm not seeing any hands or anything so that that's great. Thank you for that help. I'll move on. As we are conducting the event virtually rather than as a physical face to face event, the dynamics will be different for those participating and observing. By this I mean you may see me looking away from the camera and appearing not to engage with speakers. This may be because I'm writing notes or looking at materials on screens. I do have a second screen over to my side which has documents and maps and information On as well, whoever I can assure you that I'll be paying close attention to what is happening. To avoid disturbance. I will also mute my microphone when you are speaking as well. The purpose of this examination is for me to examine the information submitted by the applicant interested parties and affected persons. I'd like to reassure you that I'm familiar with the documents that have been submitted to the examination. Therefore, when answering questions, you don't need to repeat at length something that has already been submitted. If you want to refer to information already submitted, I'd be grateful if you could give the appropriate pins Library Reference number just for myself and anybody who's listening as well. This is a public examination, and therefore you if you haven't indicated that you wish to speak, if there is a point that you wish to make, please feel free to indicate that the relevant time that you do wish to can contribute by using the raise hand function. Today's hearing will be a structured discussion which will be led by myself based on the agenda that has already been published. The purpose of the hearing for me is to see answers to any questions I may have. And to ensure that I have all the information I need in order to make my recommendation to the Secretary of State. The compulsory acquisition hearing is held to discharge my duties and examining authority to the affected persons who have requested to be heard. I propose to examine compulsory acquisition hearings of a to cause issues of the two hearings. This hearing this morning will examine the applicants case for compulsory acquisition and temporary possession. The second hearing, which will commence at 2pm this afternoon, will examine specific representations by affected persons and any statutory undertakers land issues and matters in relation to Crown land. The hearing for this agenda was published on the project page in the infrastructure website on the 20th of October. And it'll be very useful if you do have a copy of this to hand as we proceed through to get this morning's business. This agenda, however, is for guidance only. And I may add other issues for consideration as we progress. I seek to allocate sufficient time to each issue to ensure its proper consideration. I will conclude the hearing this morning as soon as all relevant considerations and contributions have been made and all questions responded to, if the discussions can't be completed,

likely to take longer than anticipated, may be necessary to prioritise matters, and refer others to further written questions or to hold the specific hearings. It is important that I get the right answers to the questions that I'm going to ask. However, I would remind you that the examination process is predominately a written one. Therefore, if you haven't if you can't answer the questions or require additional time to get the answers, rather than incorrect, or potentially restricted answer in the interest of the smooth near the examination, please could you indicate that you're responding writing and I can defer the question to the next round of written questions or to any later hearings if required. At this stage finally, we're just quite late to it's just to highlight some of the key documents that I'm going to be referring to over this morning's hearing. And in no particular order, starting with the Applicants document 4.1 statement of reasons which was submitted at deadline to which has got a pinned reference of our EP 201. And then the applicants document 9.7, which is the compulsory acquisition schedule. Again, that was submitted that deadline to and its references are EP 2015 also likely to refer to the funding statement, which is document 4.2. And it's references a p p zero to two may be looking at the book of reference as well, which was submitted at deadline one, and that reference is our EP 1007. And the land plans again, which are also submitted a deadline one and that reference is our EP 1002. And we may need to refer to possibly the draft development consent order as well, which was submitted at deadline two, three. And that is our EP 3010. So just before I move on to the items on the agenda, just kind of see if anybody has any particular questions or issues with regards to the procedural matters of how we're going to run things this morning.

09:28

Okay, great. I'm not seeing any hands. So I will carry on to that the next matter on the agenda. And what I'm now let us take the names of the people who wish to speak at this morning's hearing. And so when it comes up, just state your name and if you represent anybody who it is that you represent. So perhaps if I could start with the applicant if I could, please.

09:51

Good morning, sir. My name is Jonathan Bauer. I'm a solicitor and partner with Womble bond Dickinson and I'll be leading the applicants case in relation to The compulsory acquisition hearing, I'll also be assisted by a number of other people who may or may not be called upon to this. There's at least three people who will certainly be required this morning. But others are also on hand to answer questions as well as morning should they be required? Would you like me to introduce them in turn?

10:20

No, what I'm happy to do, Mr. Bauer is perhaps through you, and then if they're needed, and when they contribute, then if they could introduce themselves in the usual way before they speak, and then remember to introduce themselves from the point that they made, that'd be fine. Thank you very much, Mr. Barr. Appreciate that. Thank

10:33

you, sir.

10:36

Moving on to the affected persons. I have Mr. Antony, me now, I understand. You've got a couple of representatives with you, Mr. Manal. So whether it's yourself or whether it's one of your representatives that will be speaking on your behalf.

10:51

So good morning. My name is Miss Rebecca Clutton of counsel. I'm instructed by Samuels, UK iPads morning on behalf of Mr. Male. I'm also I am accompanied here by Mr. Menon and also Mr. Joslin, who has been assisting Mr. Menon to and it's not anticipated that we'll be participating heavily in this morning's session. I may do, we'll be back to see what the Applicant has to say, and whether any points that I need to make, principally, as submissions are likely to be made during the second hearing this afternoon.

11:31

That's great. That's helpful. Thank you very much. So any any questions that I may have? How direct through you? That's great. Thank you. Appreciate that. And then have Mr. Richard Hawker.

11:49

Good morning, sir. My name is Richard Hawker. I live in hockey rink and private individual. I'm not an affected person. But I am attending really on behalf of affected affected James Taylor. And I don't expect to be able to speak to all I'm just taking information in to be honest.

12:14

That's great. Thank you for that, Mr. Hawker. And so just for my own information, that's Mrs. Hazel Taylor's native Sycamore farm, I think, isn't it that who your representative, that's fine. Just for just to clarify a few matters. And I'm not sure she was down as an interested party as an affected person. However, I've seen the requests that she has made, and to become an interested person. So following a review of that, I've accepted that so a printed procedural decision I've made to accept her into the inquiry on that basis. So that's just sort of to let both the applicant and I know the affected persons or interested parties know that that I have accepted her on that basis into the inquiry. So you can proceed on that basis. Thank you very much.

13:06

Now, before I move on, is there anybody else? Who is looking to speak today that I've not mentioned? Mr. Bursch, good morning.

13:22

Good morning. Yes, I'm Representative Charles Birch from Brown and CO representing, I don't know, axial scab to forgive the English pronunciation. That Eastern estate. I don't expect to wish to speak this morning. But I would quite like to speak this afternoon, please.

13:41

Okay, that's great. Thank you very much. Mr. RiteAid. See, you've got your hand up. Are you looking to speak? Yes, hello. Can you hear me? Okay? I can. Yes.

14:06

Yes. Hi. I'm Alice. And I'm here with Mr. Right as a supporter. Yes, he's asking me to speak on his behalf if we need to. Robert is just part of the involvement because he has land where there's a transportation or migration of some great crested newts into his pond. And that's why he's involved in this because we've had a permanent acquisition notice. We may wish to speak this afternoon. But mostly we're here to observe. And listen,

14:45

that's fine. No problem. Well, I can let you know that I can hear you clearly. So that's fine and your hand up function works fine as well. So if you do wish to make a comment, please sort of do that in a way that you've just done and I can come to you.

14:58

Okay, thank you very much.

15:00

Thank you very much. Is there anybody else on the call? Who's looking to, to wish to speak today?

15:13

Nope. Okay, that's great. Thank you very much for that. Okay, well now let us move to item two on the agenda, which is the applicant's case for compulsory acquisition and temporary possession. In terms of this, this item, I've got a series of questions that I'd like to pose if I could, Mr. Barron, in the way I'm suggesting is that if I could pose my questions, and that should sort of take us through the various documents in that way, so perhaps if I could just sort of start by asking the applicant to briefly present and justify the case for compulsory acquisition and temporary possession. And in doing so, perhaps, if you could explain how the proposals addressed the statutory and policy test, under the Planning Act? And in particular, can the applicant demonstrate that the proposed interference with the rights of those with an interest in the land is for legitimate purpose, and that it is necessary and proportionate? And if I could just add one extra little bit to that question as well, if I could, if you could just ensure that when providing your response, you ensure that human rights considerations are addressed and outlined and what evidence there is to demonstrate that where compulsory acquisition is required, legitimate and sufficient, is sufficiently and legitimately justified in terms of interfering with human rights, because with an interest in land, so hopefully, that's not too long of a question. So if I could pass that over to you, Mr. Bauer,

16:44

thank you. So Jonathan bath for the applicant before we proceed it, it would be helpful just to request a copy of the submission from Miss Hazel Taylor is provided to the applicants, I don't think we've any record of seeing what was made and what obviously, the procedural decision is, obviously to accept as an affected party. But I'd certainly wish to reserve any comments that may be made today, because we haven't had the benefit of seeing that's what has been raised. So if we are able to reserve our position on that, that would be appreciated.

17:19

That's fine. I was going to refer that to my case team, how it my casting are already on the case. And messaged me to say that they'll make sure they're going to copy over to you.

17:28

Thank you. So if we are able to move on, then please. You've already sir outlined that you're familiar with the application documents. And I've set out a number of the documents that I was already going to refer to so I won't relist those or provide the relevant references. The starting position is in relation to from the legal and policy test is in relation to Section 122 of the Planning Act 2008. And what I'm proposing to do is to briefly summarise what appears already in the application documents just for the benefit of those at the hearing, who are no doubt also familiar with the contents in any event, the section 122 of the Planning Act is the principal position in relation to where compulsory acquisition powers are sought and they powers can only be sought, if the land is required for the development required to facilitate or is incidental to the development or land is replacement land, which has to be given in exchange for the order land under sections 131 or 132 of the 2008 Act. And there must also be a compelling case in the public interest for the inclusion of the powers of compulsory acquisition. The application did include the request for compulsory acquisition powers to be authorised, and the book of reference, which you've already referred to service details all of the various interests in land that has sought to be acquired. And Mr. Furnace is on hand to answer any specific question questions that may arise in relation to the book of reference. Paragraph eight of the compulsory acquisition guide states that the applicant will also need to demonstrate that the proposed interference with the rights of those with an interest in land is for legitimate purpose, and it is necessary and proportionate. You've already referred to the draft DCO and the relevant articles which touch on compulsory acquisition powers and also temporary possession powers include articles 2420 520-729-3233 and 34 and 35. Both deal with temporary use of land. So whilst they're not compulsory acquisition powers they are a power to take possession for on a temporary basis on a compulsory basis in details as to their inclusion and justification is also set out in the explanatory memorandum, which was submitted with the application In terms of compliance with tests, the necessary tests, what the statement of reasons does is set out that the land to be acquired is the minimum necessary to construct, operate, maintain and mitigate the effects of the scheme, and therefore in the applicants view is proportionate to the scheme's objectives. And I'll come on to those schemes objectives in a moment. In the event that less land is ultimately required, following the completion of detailed design, then the applicant would only seek to acquire those interests that are necessary to deliver that that element of the scheme. within the boundaries of the scheme, land is required temporarily for construction activities. And those activities include material storage, management and processing, and temporary utility connections. Also refer to paragraph 2.2 of the national networks National Policy Statement, which states that there is a critical need to improve the national networks to address road congestion and crowding to provide safe expeditions and resilient networks that better supports social and economic activity and provide a transport network that is capable of stimulating and supporting economic growth. Improvements may also be required to address the impact of the national networks and quality of life and environmental factors. And if at this stage, so I could refer to the document which is the case for the scheme, which is a PP dash 140. And in paragraph 3.5 point one of that documents, it sets out what the objectives of the schema and I can run through those briefly if you wish, they are to support economic growth, which would reduce congestion related delay, improve journey time, reliability and increase the overall capacity for future traffic growth to help enable regional development and growth in Norwich and its surrounding area.

Secondly, the safe and reliable network by improving safety for all road users and those living in the local

22:09

area by improving safety issues at junctions along a 47 improve user satisfaction by quicker and more reliable journeys. A more free flowing network by increasing the resilience and coping with incidents such as collisions breakdowns, maintenance in extreme weather events. It will also support the flue, sorry, excuse me the smooth flow of traffic and improve journey times reliability by maximising operational capability. It will improve the environment by protecting the environment with minimising adverse impacts and where possible delivered benefits, creating an accessible and integrated network. Ensuring that the new road layout considers local communities and safe access provide a safer route between communities for users, and taking into consideration how their requirements can be addressed with improved connectivity and finally value for money ensuring that the scheme is affordable and delivers good value for money. In terms of considering reasonable alternatives, compulsory acquisition and temporary possession it's inevitable that a scheme of this size will make will mean that compulsory acquisition is required. But in designing the scheme, what the applicant has done is sought to identify the land before which acquisition is required. And the applicant has considered alternatives and modifications to the scheme to minimise the potential land take. At that point. I'll just pause that I'm aware that and you'll obviously be aware that one of the effective parties has put forward alternative options as well. And the applicant has provided a response to that alternative submission, and no doubt it will be something which is considered further this afternoon at the site specific points. But happy to answer any questions on that this morning as well should should those be required. Following public consultation, the applicant selected the most appropriate option out of the options which were put forward. And the selection took account of various factors including amongst others views of consultees, including persons with land interests. Other factors included environmental impacts, meeting the objectives of the scheme affordability value for money, safety, construction and operational considerations. None of the alternatives or modifications considered would obviate the need for the compulsory acquisition and temporary temporary possession of land. And feedback obtained from non statutory consultation back in spring 2017. led to an amended version of one of the most favourite options becoming the current route, with the highest number of responses in favour out of the options presented the applicant to comport key concerns raised by the public and that includes those with interest in land and amended the options that it could be built to have less impact during construction. The assessments also demonstrated that the current represents the best solution for and safety issues and had the least impact on the environment and coupled with the positive public consultation with deemed to be the most favourable. And in terms of site specific points in terms of alternatives to compulsory acquisition and temporary possession, the applicant has been engaged for some time in seeking to acquire interest by agreement. And Mr. Bratton is on hand to answer any specific queries that may arise in relation to that. So the applicant is satisfied that all of the land subject compulsory acquisition and temporary possession powers is necessary to operate, maintain and mitigate the scheme and in order to meet the scheme's objectives, and that the land sought is both reasonable and proportionate. In terms of the compelling case point, which I think is the second or perhaps moving into the third part of your, your question, sir. I will move on to that. But are there any is there anything that you wish to raise? So far, sir?

26:02

Not at this stage. I'm happy that there's a couple of questions that come out from what you've said that flow into other questions that I've got. So I'm happy for you to, to carry on with sort of answering my first question. So yeah, happy with that.

26:14

Thank you, sir. So having regard to Section 1223 of the Planning Act, 2008, which is where there is whether there is a compelling case in the public interest for the compulsory acquisition of interest in land, in relation to the need for the public interest and balancing with the private loss. This is set out in some detail in Section Five of the statement of reasons, which has already been referred to, and the applicant considers that there is a compelling case in the public interest for the scheme to be delivered. I've already referred to the national policy statement for national networks, which identifies a critical need to improve the network to address road congestion as well as supporting economic growth, quality of life and environmental factors. The way in which the strategic objectives of the scheme, which I've already referred to are aligned with the NPS is set out in detail in chapter three of the Case for the scheme. And also general compliance with the NPS is set out in the National Policy Statement accordance tables. I didn't refer to that at the outset. So apologies but that's application document a PP. Hyphen 141. And these documents clearly demonstrate that there would be substantial public benefits arising from the implementation of the scheme. The scheme is included in the applicants second road investment strategy as a commitment for the second road period, covering financial years through to 2425. And further details of the funding commitment can be seen in the applicants funding statement, which is a PP dash zero to two. And Mr. Irwin is on hand, to ask any to answer any questions which may arise in relation to the funding statement. The having regard, again, to paragraph five of the statement reasons, the applicant is firmly of the view that there is a compelling case in the public interest for the compulsory acquisition power sought, and that the applicant is satisfied that the condition in Section 1223 of the Planning Act is met, and that there is a compelling compelling case in the public interest for compulsory acquisition. In terms of human rights. This is detailed in Section 6.1 of the statement of reasons. And this, I can if it would be of assistance to summarise that the provisions of the Human Rights Act, which prohibit the public authorities from acting in a way, which is incompatible with rights protected by the ECHR. And paragraph 10 of the compulsory acquisition guide sets out how applicants should take into account human rights. I can read that out if you wish. But

29:00

such I'm using I don't there's no need for you to I think the reference is fine. That's helpful. Thank you.

29:05

Thank you. The draft DCRs made may infringe the human rights of persons with an interest in land. But this infringement is authorised by law provided that two key points are addressed that there is a compelling case in the public interest for the compulsory acquisition. Powers included within the draft TCO and that proper procedures are followed, and that any interference with human rights is proportionate and otherwise justified. There are no residential properties affected by the compulsory acquisition of land in the scheme. The applicant recognises that the scheme may have an impact on individuals but considers that the significant public benefits that will arise from the scheme are set out in the statement of reasons outweigh any harm to those individuals. The draft DCO strikes fair balance

between the public interest in seeing the seat scheme proceed which is unlikely to happen in the absence of the DCO and the private rights which will be affected by the compulsory acquisition in relation to both articles one and eight the compelling case in the public interest for the compulsory acquisition powers included within the draft DCA was being demonstrated in chapter four of the statement reasons. And also the case for the scheme, which I've already referred to the land over which compulsory acquisition powers are sought to set out in the draft DCO is the minimum necessary to deliver the scheme and the scheme has been designed to minimise harm. The applicant is satisfied that proper procedures have been followed. For both the consultation and the scheme and in determining the compulsory acquisition powers included within the draft DCO. Any affected party will also be able to claim compensation should they incur a loss and are able to prove their claim. Throughout the development of the scheme, the applicant has given persons with an interest in the land of full opportunity to comment on the proposals both in a statutory and non statutory capacity, and the applicant has endeavoured to engage with landowners. The applicant has had regard to landowner feedback in both initial design of the scheme and in an iterative design process throughout the life of the scheme. Examples of design changes are provided within the consultation report, document a PP dash zero to four. Mr. Bratton is on hand to deal with the any points arising in relation to the compulsory acquisition schedule that you refer to as well as updating in relation to negotiations with all affected parties.

31:38

In summary, therefore, the applicant has weighed the potential infringement of ECHR rights against potential public benefits if the DCO was made, and considers that there is a compelling case in the public interest for the powers to be confirmed. I'll also just touch on the public sector equality duty if I may, the equalities impact assessments, which is again a document we didn't refer to at the outset. But that's document reference a PP hyphen 145. And the statement of reasons section 6.3, as well as the AQ IA detail, the assessment that was undertaken, and the conclusions of the equality impact assessment confirm that the scheme will improve journey reliability and safety for the root corridor. Diversity diversify transport links between communities by providing new footway and cycleway provision and result in a good mix of operative operational positive and short term adverse noise effects on residential properties. It will the any impacts specifically in relation to very good house will be set out within agreed proposals as well. What the applicant did was undertake an audit assessment. And it's not interest anticipated that the project would significantly impact on people within the area. So within protected characteristics, with with I should say protected characteristics, and the scheme is likely to provide a range of benefits that can be shared by equality groups. This includes direct benefits such as improved walking, cycling, and horse riding provision as well as safer and more efficient conditions for drivers. The AQa at Section II also concludes that there are opportunities to advance equality foster good relations and prevent discrimination. I think so that covers I would hope, all of the parts to your your initial question, because I'm happy to answer any specific follow up questions which arise.

33:57

Thank you so far, that that's helpful. And yes, he does cover the points may sort of initial questions. So thank you. Thank you for that. And there are a couple of the sort of questions that fall out from that. Were just quite late to start is the point you made in relation to reasonable alternatives. And the process that is as the applicant has gone through in terms of amending changing and updating the scheme. I

can see the various documents that you refer to me in terms of the consultation responses. Now the scheme has been iterated through that process. What will be helpful from my perspective, those were or are there any specific examples where compulsory acquisition has fed into that so I can see how the environmental side of things is fed into that in terms of the design process, but are there any particular examples where Close your acquisition has been used a it can be demonstrated that that has therefore been the minimum land required to deliver the project.

35:09

Thank you, sir, if I perhaps can ask Mr. Arthur and Mr. Bratton to comment on these points the the any changes which have arisen as a result of any scheme design change will have a direct consequence on any land acquisition? There have been some circumstances where there's been possible to alter the the extent of acquisition from say a permanent right to temporary possession, which is, is a result of direct discussion with landowners. But I think if, if I can first ask Mr. Arthur, just to briefly identify any specific scheme design changes, which then Mr. Bratton might be able to comment on any changes to land acquisition.

35:59

That's great. And as we set the stage, if you guys could introduce themselves at the start in in the usual way down but helpful both for me and for anybody on the live stream or watching this this later on? Thank you.

36:19

Good morning, sir, by the offer on behalf of the applicant. The scheme consultation report outlines changes that are a result of direct consultation through the statutory processes. Specific examples of that would be the the engagement that we had with the the holding and polish through the local user group and the approach that we took to the design of berries lane and the riddlin roundabout in general. The applicant has engaged through the whole process with the local Liaison Group, that is a multi parish user group that represents parishes, adjacent to the 47 along the route on north and south of the 47. Through dialogue with the parish councils, the local highway authority changes that were discussed, the other resident from the static consultation will then assessed and modelled and through that dialogue process, we're then incorporated into design as required. Does that answer your question? So?

37:20

Yes, it helps. And what I'm looking for really is if there are any, you know, that that's useful, but it's actually whether the, the compulsory acquisition side of things and how that has influenced the design, if that makes sense. I can I can get and see an expanded reference in terms of that consultation has taken place. And but it's it's that particular compulsory acquisition side of the markets,

37:42

I can expand on that slightly apologies. So when the stage came out of the financial concepts stage, the for example, all of the side roads were designed to dmrbs standards at that point, so they were asked to cross sections which relate to the standard cross section in the UK dmrbs. Those cross sections for example, were 9.3 metres wide for all side roads. Through dialogue with Norfolk County

Council, we have managed to reduce the cross sections of those side roads to fit in with the local environment. So those side roads are now designated as Class B, or class C, that being six metre or five and a half metre wide cottages. As a result of that engagement. We've managed to significantly reduce Atlantic around the Cedros fruit the whole length of the scheme from what was initially envisaged early in the stage to

38:31

Okay, that's, that's helpful. But what was that change driven by Norfolk County Council's desire to offer standards from a road construction point of view? Or was that driven by a desire to reduce the Lantech per se?

38:48

Yep, it was driven solely by the offer on behalf of the applicant. It was driven by our desire to reduce Atlantic on the affected parties for the length of the scheme. Norfolk County Council as a lead local highway authority don't have a bespoke set of design standards, which some local authorities do. Therefore, the applicant went to Norfolk County Council with a proposal to reduce the cross sections to fit better into the local environment and reduce the impact on affected landowners.

39:14

Okay, that's yeah, that's helpful. Thank you very much. So probably more of a general question, which I'll perhaps direct through to Mr. Bauer again, and he can then decide whether he answers it or passes it passes it around is tea in terms of the alternatives that were looked at, was compulsory acquisition part of that assessment sieving process, if you like in terms of you have your various different alternatives and you've assessed them from an environmental point of view and various other ways to identify which is the best or most efficient or was compulsory acquisition Put within that sort of sifting process? And if so, where would I find the evidence that shows that?

40:08

Yes, Jonathan Bauer for the applicant yesterday, it was considered as part of the options appraisal. In terms of the exact reference, I will need to identify that for you and and provide it to if I can do that either later in this hearing or prior to at the start of this afternoon.

40:24

That's, that's fine. Absolutely no problem at all. Thank you for those then I have a couple more questions that probably move on to slightly different matters in terms of the book of reference and things like that. But what I'm what I just quite like to do, just before we move off the alternatives, and that side of things is just to see whether there's any effective parties who've got any particular comments that they wish to make at this stage. misquoted, I can see your hands up if I can, if I can come to you.

41:12

So thank you, yes, can you can you hear me? Good, Rebecca, threaten for Mr. Metal. So I thought it might just be helpful here, just to briefly remind you of the basis upon which our argument about reasonable alternatives is advanced. And we accept, of course, that the the applicant has considered

alternatives to the particular scheme, and that it advances in particular, it has considered alternative routes and junction locations at the route wide level. And we also know from some of their earlier reports that they've considered alternative forms of junctions, and particularly in terms of whether they're grade separated or at grade. Now, our position though, is that having settled on a fully grade separated junction that would lay what it hasn't gone on to do is consider any alternative fully grade separated junction designs, different solutions, or the micro location, if that's the right word for it have the grade separated junction that it's designed itself. The possibility of relocation was raised by Mr. Metal at the statutory consultation in the early part of 2020. And again, in the consultation exercise that took place shortly prior to the application being made. That's that December 2020, January 2021. And you'll recall, sir, from what you've read, that the account given by Mr. Metal, is that he was told that that was not possible due to the redline area being fixed in that location at that stage and, and obviously, so that that gives rise to one of our complaints about the adequacy of consultation and the meaningful nature of it. And the experts who've been engaged on behalf of Mr. Mandel have concluded that there are redesigns that would in fact result potentially both in a lesser land take overall. And indeed, even on the applicants own account that appears to be acknowledged in relation to two of the options that have been presented. And also lesser environmental impacts. Now, obviously, that has then formed the basis of the alternative proposals that have been submitted on behalf of this metal. But so you'll appreciate the difficulty that faces any objector seeking in a very short space of time to try and design and come up with alternatives in circumstances where the position really is that the the applicant itself ought to have done that work. And it may well be that the reason that it didn't was because it didn't appreciate the significance of the interest of the state to the south. And, and so I appreciate that so matter that will come on to tomorrow's hearing issue specific hearing one, and I won't say any more about that now. But I say fundamentally, our position is that that should have been done by the applicant, and it undermines we say overall, their case for compulsory acquisition. There are two others just points to make. The second of those is one that I'll return to this afternoon, which is leaving aside our primary position in relation to alternatives. There are it seems to us modest adjustments that can be made to the land take in relation to Mr. Metals, property interest and and I'll deal with some of those in more detail for you this afternoon. The final point that I would also make in relation to alternatives is another point that will get picked up I think tomorrow at the issue specific hearing in South far as the without the nwhl world is concerned. You'll recall from the transport statement that's been submitted on behalf of Mr. Manna why Neptune transport planning the document reference for which I have not laid my hand on for the moment, but I'll come back to it if I can ACM, the transport statement.

45:26

I'll just, I'll just get that for you, sir. But but in relation to that, you'll recall that that Mr. Foster's position is that in the world where the nwhl does not come forward, the junction that's been designed is significantly over designed and would be capable of being reduced in scale considerably. So whilst that doesn't affect any parcels of land in which Mr. Metal has an interest, that does affect it seems to us the necessity of compulsory acquisition in relation to parcels of land affected in that area overall. So I'll just I'll note that now because it provides some context for some of the discussions that will no doubt be had tomorrow. So I've also now got that reference for you, for ACL oh four, which is the transport statement, and that's rep 1057. Thank you.

46:29

Thank you for that Miss Clutton. You say I think a number of those points will either return to probably this afternoon hour AND or OR tomorrow when we're actually on to some of the environmental side of things. However, it may just be helpful to see whether Mr. Bao has got any particular comments with regard to your sort of your general overview in terms of that. So the opening comments that you made in terms of the the approach to the junction design, some bits and pieces like that, so if I could, Mr. Berger, any sort of comments, or are you wanting to reserve position to later on this afternoon or tomorrow?

47:07

Thank you. So Jonathan bow for the applicant. I see Miss Cluttons got a hand up. I don't know whether it's a lingering hand that she knows she wants to make another point. It's come down. If I can please hand over to Mr. Arthur, who has been leading on this work in relation to alternatives. Thank you.

47:31

Good morning, sir. Buddy. I thought on behalf of the applicant. Just to firstly, start, I don't want to go into too much detail because I understand that we'll be covering it in depth tomorrow morning. But just from a high level overview point, the the junction strategy was developed in accordance with CD 122, which deals with the design of grid separated junctions. The applicants design has followed the principles outlined in Appendix C of CD 122, which has the junction layouts that are escalating as a result of increasing traffic for the twin dumbbell solution that was selected was the least invasive from a construction point of view. It has one structure, and it performs well with an operational capacity assessment, all of which is contained within the applicant submitted documents. So the scheme design report and the transport assessment within that document. With regards to the alternative submitted by Mr. Meno, the applicant has submitted a report offering a technical appraisal of those alternatives. And that was submitted to the applicant last week. I believe it has also been submitted onwards to Mr. Manos team. And we have requested that as the local authority in Norfolk County Council are part of that review process as well, as the design suggested by Mr. Manos team largely impacts on the design standards that would be adopted by Norfolk County Council. The applicant has outlined their appraisal of that report, and everything that our preferred option is the scheme as submitted. So just a follow up comment on that, sorry, the the roundabout design has been undertaken in accordance with the dmrB you have to obviously take into account the number of arms entering around the boat, and the safety factors that are required to be incorporated from the UK dmrB. That is also covered within the design appraisal.

49:27

Okay, thank you, Mr. Arthur, that again, that's helpful. There are a number of questions at the end of that, but I'm thinking that actually, the questions that are in my mind are more appropriate for either this afternoon or potentially for tomorrow when we get on to some of the environmental side of things. So I'm not proposing to sort of make any more or ask any more questions around that, but I think they're questions that I will keep in reserve for tomorrow or like I say for tomorrow if that if that's okay in terms of that. Those alternatives This question, yes,

50:01

sir, that would suit us because tomorrow we will have our transport consultant and highway engineer in attendance. And obviously, they're the ones who are suitable who appropriate to comment on the technical accessibility and the appraisal that's been received from the other side, which I can confirm has has been received. And, and obviously, we've undertaken an initial review that we're intending to report back to you tomorrow. So that that does suit us to sir.

50:29

Okay, thank you for confirming that. That's helpful. Thank you. Okay, so, moving on to some other questions that I have one of the documentary which has been referred to as the book of reference. So, Mr. Bear, if I could just ask a couple of questions around that if I could. And first off, can you just confirm that all the effective parties have actually been captured within the book of reference? And then sort of Secondly, the follow on from that, so how confident are you are that the book of reference is accurate? And what steps have you gone through to ensure there it is?

51:13

Thank you sir. If I could refer you to the response to the first questions Q five spot zero spot three which sets out the land referencing method statement that was followed and in particular at Penn Anik see to that to the response to the questions details the the work that was undertaken, but Mr. Furnace is on hand to answer the specific questions you've got in terms of the sort of the process undertaken and the confidence in that that we've captured all of the interests

51:53

just bear with me Mr. Furnace just while I get those documents up from from every way that I've got those in front of me okay, that that wrote me up so yep. So thank you

52:32

Mr. Furnace is on on the line, I think now. So would you like him to talk you through the process

52:40

that was undertaken? For him to be now so yeah, if you could, that'd be great.

52:45

You're right there, sir. Extract finesse from Carter Jonas, social partner, I'm representing the applicant on the lam reference in matters and the book of reference. So prior to producing the book of reference, me and my team undertook diligent inquiry activities, to identify sort of effective interest category 123 parties. And these, these sort of activities ranged from sort of deaths, desktop, methods, desktop activities, which included land registry searches, the search of the index map on land registry, and further title searches within within the title to, to identify hidden interests, which may be category two, or three. And on top of that, once we ascertain the desktop data, what we did we undertook sort of contact referencing activities, which included things like sending out requests for information question, which question sort of, which was sent to affected land interests, that sort of question in the land interest in the land. And we also send Chase letters for those requests for information and followed up with a number of phone calls and site visits. And, and, yeah, that that sort of sets up what we did prior to

producing the book of reference and sort of cutting down the the lung plans according to the Lantech that was needed.

54:26

And said, in terms of the exercise that Jonathan above the applicant in terms of the process, which is followed on, since that was created, there have been changes in ownership, which has arisen, and perhaps Mr. Furnace could just confirm what steps have been taken, where we'd been notified of changes in ownership.

54:48

Yeah, when we've been notified of changes in ownership posts, submitting our documents we've subsequently served section 1106 a notice to new sort of tenants that cropped up. And we are updating the book of reference for the next deadline to include those tenants. And so to make sure they're in, in the book of reference and to show that they've been identified

55:23

Okay, thank you very much for that. You had actually helpfully answered my follow up question, which was going to be about how things get carried on going forward and what your process was for ensuring that that accuracy is sort of reflected as things change over the coming months. And so just for my information, that book of reference will be updated at the next deadline, and then you will keep that under review until we get to the final close of the examination.

55:53

Yes, absolutely, sir. Okay, for now, free member referencing refresh exercises, which include checking the totals again, and making sure there's been no change in ownership and tenants and, and the rest of it.

56:07

Okay, that's helpful. Thank you very much for that. I think that's all I had on on the book of reference. So thank you very much, Mr. Furnace that's helpful for answering those questions. What I'd now like to do is just explore some of the issues around the funding, and that side of things, and then the funding statement, perhaps in particular, and the costs associated with the compulsory acquisition and temporary acquisition. I think you've already referred to Mr. Bao, which is the the dclg guidance, the Ganj, related to procedures for compulsory acquisition of land, which is the September 2013 documents. And I think it's paragraph, I don't think I know it's paragraph nine states that the application, the applicant must have a clear idea of how they intend to use the land which is proposed to acquire, and then they should be able to demonstrate a reasonable prospect of the funds for acquisition being available. And the guidance then carries on paragraph 17, which states that any application for a DCO which authorises, compulsory acquisition must be accompanied by statement explaining how it be funded. So this is the funding statement that that you've referred me to already. And I think I mentioned in my opening is that a document that we will be using. And that funding statement should provide as much information as possible about the resource implications of both acquiring the land and implementing the project for which the land is required. What this seems to say to me is that perhaps the funding of the project from a project costs and an acquisition should perhaps be provided

separately. But as currently drafted, the funding statement doesn't identify the separate acquisition costs as being separate from the project costs itself. And it doesn't really explain in detail, how a figure for compulsory acquisition costs has been determined within that overall project costs as well. So a bit of a long winded way to sort of get to my question, which is, given that those compulsory acquisition costs have not been split out from the project costs, and there's no indication how those costs have been arrived at how can they the guidance in section one to two have been complied with?

58:21

Jonathan bow for the applicant? Thank you for that question, sir. If I set out the basis for the overall assessment, but then I'll ask Mr. Bratton to explain what process was done to establish the the anticipated costs for acquisition. But the overriding point is that the the actual costs of acquisition is commercially sensitive. And so it can't be set out in in the funding statement, but forms part of the overall budget that is identified for the cost for delivering the scheme because the land acquisition is part and parcel of the overall scheme delivery. Mr. Owen is on hand to answer any specific questions in relation to sources of funding commitment, et cetera. But if I asked Mr. Bratton to just briefly explain the process that was undertaken to come up with a scheme budget, which as I say is confidential, but which fed into the overall cost budget for the scheme overall.

59:32

Good morning, sir Steve Brown district valuer appointed by the applicant to deal with all lands and valuation matters. Simply we develop a say estimates for the scheme to advise highways England as to costings, based on plans provided by the otter the scheme team. We look at each individual owner we try and estimate the likely size of compensation or the other packages that come assumption that are available to each landowner. They're added added together cumulatively. There's a bit of risk added in for that for any unknowns that we don't actually know till we actually visit site. And then it commits in a total costing which is fed through to to highways England for their costing basis for the scheme. Is that sufficient? So?

1:00:26

I think he probably is at this stage. And that that's fine. I do appreciate that. The sensitivity from a commercial point of view, I think, what I'm trying to understand, and he might then lead on to another question is that actually, within the funding statement, the project costs that I've got do include an allowance for compulsory acquisition, or a proportion that's been set aside to fund the compulsory acquisition and a temporary and I think that's what you're telling me. I think, also, what might be having said, that's probably enough, there's one other thing that that risk element or that contingency, perhaps in terms of ensuring that you've got everything, could just explain sort of what element in there that that part has got a contingency if you like, but unknown that may well occur.

1:01:14

Certainly, generally, when I start actually visiting properties, you find out more information about the individual claimants, their, what they actually how they work, the land, how they do things on the land, there might be a business there that we didn't know about from a plan. And these are all factors that we take into account. And it really only establishes itself when we actually start moving through the process

and getting out to try and sort agreements, visiting properties and doing the full inspections to try and tie down the individual claims of the individual landowners.

1:01:45

Okay, thank you. And then again, having said there's nothing else, things always crop up. And so in terms of your certainty for where you are now, with the numbers that you've given, and the information that you've gathered to get to this point, are you confident that the numbers that you've passed on are as robust as the camera this

1:02:04

robot, I think, I think at this point in time, I can only stay robust as they can be at this time, there still will be unknowns that will come out of the woodwork. So that's inevitable. And as I say, just want to know, the question you asked earlier, they do feed into the overall cost of the scheme as well. And that's fed, how was England get those costs, and they feed into their costing programme?

1:02:26

That's great. Thank you. I think that that's helpful. And, Mr. Bow, you referred to positive school down your colleagues name with regards to the funding. And I think that might be helpful for me to understand. Given that those project costs given that the acquisitions are within the project cost, it may be helpful to understand the basis for that funding, just to give that little bit more certainty and clarity on those.

1:02:48

Thank you. So Jonathan, bow for the applicant. Before I pass over to Mr. Owen, who will be able to answer any specific questions you have, if I can just highlight two specific paragraphs of the funding statement. Paragraph 2.1. Point one provides the confirmation in the fourth line that in the scheme estimate includes an allowance for compensation payments relating to compulsory acquisition of land and interest in REITs, et cetera, Overland. And also, two, point 1.4, which says that the estimate has been prepared in accordance with the applicants procedures. And in combination with the approved budget provides sufficient cost certainty to enable the applicant to confirm the viability of the scheme is the process that is undertaken on all of the applicants other schemes in terms of cost budgeting, but if I can pass you over to Mr. Irwin, who can answer any specific questions in relation to funding that you may have, so thank you.

1:04:01

Good morning, sir. I'm Glenn. I'm in on behalf of the

1:04:03

applicant. Good morning, Mr. And I think really my question really is just with regards to the funding and what assurances you can give me in terms of the budget and in terms of that funding being available really.

1:04:18

Okay, so the scheme funding is not dependent on any third party it's fully funded through the right investment strategy to and the funding statement sets out that the scheme is part of the right investment to and housing its operational plans in annexes B, C, and D.

1:04:46

I think if I could give you any other assurance, it's probably around the Annex A which describes how changes to a made within right investment strategy to And you can see in the first paragraph there that changes can be requested by the Secretary of State or by highways England. So any any material changes to that road investment strategy, we can request an a, at a programme level. But you can also see in the rest of the annex that for the sort of changes we envisage for this particular project, and licence agreement gives us the power to make those changes and to ensure that we've got funding available to cover the land acquisition, the cost of construction, etc.

1:05:40

Thank you that purse helpless when in fact that that Onyx air that you referred me to should any unknowns occur from from the composer acquisition side of things, then that gives you the opportunity if needs to be to revisit the revisit the scheme funding etc. Okay,

1:05:59

correct. Yes. Great. So that takes us over that that figure that we've included in the funding statement, that 195 million. That's this mentioned, in the second section of the the funding statement, then we have the opportunity to modify the overall budget for the scheme. Okay, any further questions?

1:06:27

No, that's fine. That's that's very helpful. Thank you for for directing me to those. So in terms of my questions, Mr. Bao with regards to funding and funding statement. That's that's all I have on on that. Helpfully have another couple of questions. But you've helpfully covered those in your opening. So I'm not going to ask you to repeat those. And one final question, though, which we briefly talked about, and I think you've introduced by reference to that the draft VCO. We briefly talked about that yesterday. But just for my own mind, how long would temporary possession be and if you could just talk me through the relevant parts of the dcl that deal with that that would be helpful.

1:07:19

Jonathan bow for the applicant, if I could do deal with the second part of your question first, if I may. So, the relevant parts of the draft DCO in relation to temporary possession only is dealt with in article 34 for the carrying out of the authorised development, and article 35 deals with the temporary use of land for maintaining the authorised development shedule seven then sets out those parcels of land over which temporary possession only is authorised, or proposed to be authorised. But temporary possession can be taken over any of the other elements of the order land prior to exercising either any compulsory permanent acquisition powers, or the compulsory acquisition of new rights. And, and shedule, five of the DC draft DCO deals with the compulsory acquisition of new rights. But it's certainly the intention of the applicant to acquire all of the permanent acquisition land that it needs upfront at the point of scheme implementation, rather than doing a to a two phased approach of temporary possession, and then, and then permanent. In terms of duration, the extent of any temporary possession for duration will

depend upon the nature of the works being proposed. Some of them relate to, for example, utility diversion works. But if I can, if there's any specific queries in relation to any particular elements, which are just identified for temporary possession, we can either deal with those now or this afternoon on a site specific basis if you if you have any queries. Yeah, no,

1:09:26

I was fine. If there are anything, then I think we will pick those up this afternoon. It was really just for my mind, just to sort of tie up what we discussed yesterday, the DCO hearing with with where we are at this stage on these matters as well. So I think that was that helpful sort of cross references is useful for me and I know we discussed some of those articles yesterday, that hearing yesterday so that's, that's helpful to me. Thank you very much. And I don't have any further questions myself, however, we're at now I'd like to do is see whether there's any sort of comments questions from any of the affected parties. So if anyone does have any sort of comments or questions, and if you could use your hand up function, I will I will come to you when I say it Mr. Walker

1:10:22

Richard Hawker from occurring. I said earlier I was representing Mrs. Taylor. But I wonder if I could ask him a question regarding an area in hocking parish. Because I noticed that there's a particular part I know, this is perhaps a bit specific, but

1:10:44

what am I suggest this talk is that this afternoon we're going to look at specific parcels and specific areas of land. But this this sort of morning session is really just to sort of set up the the, the need and the case for the applicant, if you like for the the powers. And to go through that in general. And then this afternoon, what we'll probably do is look, we will definitely do is look at individual parcels of land. And that might be a more appropriate time. If that's the case, if it's if it's through this specific bit of land, rather than sort of just the general principle of the points that that you've heard from from me that the applicant or or myself or other interested parties, just accept. Thank you very much. Thanks.

1:11:33

I'm not seeing any of their hands raised at this stage. So I will take it, there's no of that further questions or comments in relation to, to what what was discussed under item two. Okay, so that's great. So I'll move on to Item three, which is a review of issues and matters arising. I've got a note of sort of the the points that we discussed. Mr. Bao, you're going to come back to me with it with a reference, which I'm happy to take you to now if you've got it. At the start of the next session, if whatever is easiest for you.

1:12:20

Yes, Jonathan bath, the applicant, if I can come back to the start of this afternoon session, if that's okay. It relates to well, land acquisition was considered as part of the options appraisal.

1:12:31

Yeah, that's fine. Thank you very much. So we'll pick that up tomorrow afternoon, this afternoon. Okay, well, if there's nothing else under item three, Item four is any other matters? And again, does anybody

have any other matters that they wish to raise or anything that they wish to say that they've not had the opportunity to? Voice at this stage?

1:13:02

Again, I'm not seeing any hands from anybody or or any thing. Okay, well, I'll move on if, if that's the case, and yet, still nothing. So that's fine. So I can move on to Item five, which is just the close of the hearing. So again, thank you very much for your participation participation this morning. So it's been very extremely helpful and useful to me. As I mentioned at the start a digital recording. This morning's events will be available as soon as possible, and you'll be able to view them on the project page of the national infrastructure website. Furthermore, in addition, I request that you submit in writing the points that you've made here today for publication on the website. And the deadline for these written submissions is deadline for which is the 12th of November. The time is now 1114. And I declare this compulsory acquisition hearing one for the pros to add 47 knots to during project is now closed. Thank you very much for your time.